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| EXAMINER | | | | |
| PARKER, BRANDON | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 2174 | | | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/736,690

Applicant(s)

ARELLANO ET AL.

Examiner

BRANDON PARKER

Art Unit

2174

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 13-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 13-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claims 1-5 and 13-17 remain pending for examination.

Response to Arguments

Applicant's arguments with respect to claims 1-5 and 13-17 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5 and 13-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Herz et al (US Patent 6029195 hereinafter "Herz")

Regarding claim 1, Herz discloses a method for dynamically creating and delivering interactive personalized content in an electronic environment "customized electronic identification of desirable objects, such as news articles, in an electronic media environment, and in particular to a system that automatically constructs both a "target profile" for each target object in the electronic media based, for example, on the frequency with which each word appears in an article relative to its overall frequency of use in all articles, as well as a "target profile interest summary" for each user, which target profile interest

Art Unit: 2174

summary describes the user's interest level in various types of target objects", Abstract comprising: providing a first agent (software agent, Col. 27 lines 36-40) with a narrative framework which comprises content elements, each content element comprising a plurality of types of representations having different media characteristics (i.e. various types of target objects, Abstract, in an electronic media environment, Col. 1 lines 17-41) and the content elements facilitating modification based upon delivery context (Col. 2 lines 5-10, Col. 2 lines 38-67) automatically sequencing and editing the narrative framework in the first agent (Col. 2 lines 8-26, software agent, Col. 27 lines 36-40) based upon a profile of a user, to create a dynamically generated narrative (Col. 6 lines 1-15); automatically modifying the dynamically generated narrative in a second agent based upon the delivery context "a network-based agent that seeks out users of a network with common interests and dynamically creating bulletin boards"(Col. 80 lines 42-45, "Customization of the information delivery process to the user's 10 unique tastes and interests, Col. 2 lines 5-17); and rendering the modified narrative in the second agent for presentation to the user "dynamically creating bulletin boards" (Claim 6,, network based agent, Claim 10)

Claim 13 is similar in scope to claim 1 therefore the claim is rejected under similar rationale.

Regarding claim 2, Herz discloses further comprising updating the user profile based on a user interaction history "target profile interest summary describes the user's interest", "the system then evaluates the target profiles against the users' target profile interest summaries to generate a user-customized rank ordered

Art Unit: 2174

listing of target objects most likely to be of interest to each user so that the user can select from among these potentially relevant target objects, which were automatically selected by this system from the plethora of target objects that are profiled " Abstract

Claim 14 is similar in scope to claim 2 therefore the claim is rejected under similar rationale.

Regarding claim 3, Herz discloses in which the user profile is created by gathering data from the user, analyzing a history of the user, monitoring data related to the user, and detecting patterns and trends of the user a profile for the target object and the profiles of target objects for which the user (or a similar user) has provided positive feedback in the past (Col. 6 lines 40-43, profile, Col. 3 lines 1-10, 1103/1108, Fig. 10).

Claim 15 is similar in scope to claim 3 therefore the claim is rejected under similar rationale.

Regarding claim 4, Herz discloses in which the delivery context comprises a display area ("automatic display on the users screen" Col. 68 lines 15-21)

Claim 16 is similar in scope to claim 4 therefore the claim is rejected under similar rationale.

Regarding claim 5, Herz discloses in which the delivery context comprises a network (Abstract, Fig. 1, Fig. 2)

Claim 17 is similar in scope to claim 5 therefore the claim is rejected under similar rationale.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRANDON PARKER whose telephone number is (571)270-1302. The examiner can normally be reached on Monday thru Friday 730- 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dennis Chow can be reached on 571-272-7767. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2174

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Brandon Parker
Examiner
Art Unit 2174

/Joshua D Campbell/
Primary Examiner, Art Unit 2178